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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 DANIEL RODRIGUEZ,

Nos. MC 10-80216 CRB

12 Plaintiff,

13 v.

14 THE SUPREME COURT AND THE  
15 PEOPLE OF THE STATE OF  
CALIFORNIA,

16 Defendant.  
17 \_\_\_\_\_/

**ORDER FINDING MATTER  
OUTSIDE THE SCOPE OF  
EXCLUSIONARY ORDER LIMITING  
PLAINTIFF'S RIGHT TO FILE A  
COMPLAINT, GRANTING  
APPLICATION TO PROCEED IN  
FORMA PAUPERIS, AND  
DISMISSING MATTER FOR  
FAILURE TO STATE A CLAIM**

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19 On September 2, 2010 Plaintiff Daniel Rodriguez filed a lawsuit nominally against the  
20 Supreme Court of San Francisco and the people of California apparently related to alleged  
21 abuse he suffered at the hands of one or more deputies during his time as an inmate in the  
22 San Francisco County Jail.

23 Because Mr. Rodriguez has a history of filing complaints concerning allegations of  
24 medical malpractice, he is subject to a Standing Order requiring a "pre-filing review of any  
25 complaint" to ascertain whether that complaint should be summarily rejected as  
26 impermissibly duplicative. See Order Dismissing Compl. (Dkt. 14) in 08-5257 MHP. The  
27 Complaint in this matter does not concern allegations of medical malpractice, and it is thus  
28 not barred by the Standing Order.

Accordingly, the Court will treat the Complaint as filed and, in the interest of judicial expediency, GRANT Plaintiff's Application to Proceed in Forma Pauperis and DISMISS this


1 Complaint on the ground that it fails to state a claim. See 28 U.S.C. § 1915 (2)(B)(ii).  
2 Specifically, the entire substance of the Complaint spans a single, largely unintelligible,  
3 paragraph:

4 A lot time in all State of U.S.A. Special in SF CA I had been  
5 beating sex harass, torture and intent of death by J. Aguirre  
6 and 3 more working deputy in 850 Bryant Street in jail, I was  
7 in jail 3 cell 9 and cell 7. On 11-4-2009 until I was release on  
8 4-25-2010. I'm sick of this sex offender discrimination I  
suffer my life and my motion on this sex offender action. I  
had been discriminate. This action had been demise this action  
is over.

9 Even reading the Complaint liberally, it does not state a claim upon which relief can be  
10 granted because it contains only an entirely conclusory assertion of mistreatment at the hands  
11 of one or more prison officials during the course of Plaintiff's incarceration. See Ashcroft v.  
12 Iqbal, 129 S.Ct. 1937, 1949 (2009).

13 **IT IS SO ORDERED.**

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16 Dated: September 8, 2010

  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE